

## INFORMATION SHEET

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:**

Detroit District

**FILE NUMBER:**

04-145-052-0

**Date**    October 18,  
**:**         2004

**PROJECT REVIEW/DETERMINATION  
COMPLETED:**

**In the office  
(Y/N)**

**N         Date  
:**

**At the project  
site (Y/N)**

**Y         Date    8  
:         Octo  
         ber  
         2004**

### PROJECT LOCATION INFORMATION:

State:

Indiana

County:

Lake

Center coordinates of site by latitude & longitude  
coordinates:

lat:41-28-5.4480 lon:87-23-59.0280

Approximate size of site/property (including  
uplands) in acres

10 acres?

Name of waterway or watershed:

Turkey Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					x
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?				x	
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

**TYPE OF DETERMINATION:**      **Preliminary   Or   Approved   X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): See inspection report

The wetland delineation completed by Earth Source, Inc. (ESI) was verified by the South Bend Field Office. Wetland Section I is hydraulically connected to an unnamed tributary to Turkey Creek to the Little Calumet River, a navigable water of the US. We walked the perimeter of ESI's Wetland Section II and found no hydrologic connections to either Section I or offsite; Section II is a closed depression that only receives water and does not deliver water via surface or manmade connections to other waters of the United States. I did not check the quality of wetland flagging on Wetland II, it being outside our jurisdiction, so do not know its acreage.

**TALLY Of Wetland Acreage:**

**Jurisdictional Waters: 1.48 acres**

**Isolated Waters not under COE Jurisdiction:**

**Wetland I: 1.48 acres**

**Wetland 2: 0.1? acres onsite**

**Total: 0.1 acres isolated per the SWANCC Supreme Court Decision**